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10/757,424

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Arie Besemer

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EXAMINER

MAASHO, KERIMA K

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|-------------------------------|--------------------------------|--|
| Office Action Summary | Application No. 10/757,424 | Applicant(s) BESEMER ET AL. | |
| | Examiner Kerima Maasho | Art Unit 1645 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>03/25/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Applicants' election of group II filed on 07/11/2007 is acknowledged. The election of group II drawn to a layered hygiene product was made without traverse.

Applicants' cancellation of the non-elected method claims, and species election of cellulose fiber is also acknowledged and accordingly claim 17 is a non-elected species. Claims 13-16 and 18-21 are pending and are considered in this examination.

Claim Objections

1. Claims 13, 14, 16 and 21 are objected to because of the following informalities: The word "fiber" is misspelled in these claims as fibre. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13, 14, 15, 16, 18, 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Goodbar (US Patent 4,259,958).

Goodbar teaches a multi-layered hygiene product comprising a cationic modified fiber and an unmodified fiber that reads on claim 1 of the instant invention. Goodbar further teaches a multi-layer absorbent pad such as diapers and the like, that are characterized by a top layer with a cationic agent and a bottom fiber layer without cationic agent (see US Patent 4,259,958 abstract and claims 1, 2, and 3). Goodbar's teaching also reads on claims 14 and 16 of the present invention wherein the layer containing a modified fiber is an outer layer and the modified fiber is a cellulosic fiber respectively. Goodbar further teaches multiple layers of the cellulosic fiber that are positioned outside the said top and bottom layers that serve as permeable and impermeable function respectively with multi-layered absorbent pads positioned between the top and bottom sheet (see claim 3 and Fig 5 of US Patent 4,259,958). The multi-layered sheet of Goodbar et al reads on claim 15 and 17 of the present invention wherein the hygiene product contains at least three layers and said layers are plies of a multi-ply sheet. It also reads on claim 20 of the present invention wherein the absorbent article comprises an outer casing layer, an inner casing layer and a layer containing a liquid-absorbing material that contains the modified fiber.

Therefore, Goodbar anticipates claims 13-16, 18 and 20-21 of the present invention in their entirety.

3. Claims 13, 15, 16, 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Jaschinski et al (US 2002/0098317).

Jaschiniski et al teach cellulose hygiene product containing fibrous material with an aldehyde group comprising a plurality of layers with each layer differing in terms of its material composition. The fibrous material containing an aldehyde group (modified), and/or the carboxy group (unmodified) are used to make the tissue or non-woven products (see abstract). Jaschiniski et al also teach that the layers differ in physical and/or chemical properties that are caused by the use of different fibrous raw materials per layer (column 9, lines 42-52). Jaschiniski et al's teaching anticipates claims 13, 15, 16, 18-21 of the present invention in their entirety.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 13-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Brussel-Verraest et al (WO 03/006739, filed in the IDS).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Van Brussel-Verraest et al teach a layered hygiene product of cellulosic fiber containing cationic and aldehyde groups (p 7 lines 10-20). The cationic cellulosic fiber can be obtained by oxidation of the fiber to introduce aldehyde group (see abstract). Van Brussel-Verraest et al teach a hygiene product with at least one layer of cationic fiber and one layer of unmodified fiber as in the claimed inventions of claim 13 (see p 7 lines 10-25). Van Brussel-Verraest et al also teach that the inner casing layer and/or the outer casing layer may comprise cationic cellulosic fibers (modified fiber) wherein the cationic fibers are put in distinct layers or mixed with regular cellulosic fibers (unmodified fiber) or polymeric hydrocolloidal material with the possibility of different combinations of mixed layers and distinct layers (p 7, lines 20-25). Van Brussel-Verraest et al further teach a cellulosic fiber composed of different layers that may be identical or may have different properties regarding for example fiber composition and chemical composition wherein one or more layers may comprise cationic cellulosic fibers (p 6 lines 28-34). The above teachings of Van Brussel-Verraest et al read on the instant claims wherein the hygiene product at least one layer not containing a modified fiber (Claim 13), a modified fiber is an outer layer (claim 14), the product containing at least three layers (claim 15), the product is an absorbent article with an outer casing layer, an inner casing layer and a layer containing a liquid-absorbing material (claim 20) and the liquid-absorbing material contains the modified fiber (claim 21).

Furthermore, Van Brussel-Verraest et al teach that the fibers may be made from cellulose (as instant claim 16) or synthetic material (as instant claim 17) as single or

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multi-ply sheet (as instant claim 18) (see p 6, lines 12-20) as well as tissues or non-woven material (as instant claim 19) (see p 5, lines 23-24).

Therefore, Van Brussel-Verraest et al anticipate all the claims of the present invention in their entirety.

Conclusion

Claims 13-16 and 18-21 are rejected as explained above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerima Maasho whose telephone number is 571-270-3055. The examiner can normally be reached on Monday-Thursday, 7:30am-5:00pm, ALT. Friday, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on 571-272-0906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jennifer Graser/

Primary Examiner, Art Unit 1645

Keirna K. Haefl
Patent examiner
Art Unit 1645
